

Chapter 12

Administering the General Plan

The Fremont 1990 General Plan is a City guide for decision making. Information provided in the Settings and Projections sections of the Plan combined with the background documents provide much of the basis for the City's planning. The goals, objectives, policies and implementation measures in each chapter of this Plan are the guides to decision making.

Internal Consistency

By State law, all elements of a plan must be internally consistent. Policies, goals, and objectives should not conflict irreconcilably with one another. However, the General Plan is meant to be a "Constitution" for the City's development. Just as with the United States Constitution, there may be times when the direction suggested in one objective or goal will need to be reconciled with others. Other times the land use description or policy text may not be clear. Since the General Plan is general in nature, and the meaning of the text and land use diagrams are not always clear, differences in interpretation are bound to arise when applying policies to specific actions. On such occasions, a finding from the Planning Commission should be requested. On appeal, the City Council is the final arbiter and interpreter as to the intent of the Plan.

Of utmost importance in the interpretation of the plan are the Fundamental Goals. These are the foundation of the plan and provide a guide post as to the intended direction.

Consistency with Development Related Ordinances and Policies

In addition to internal consistency, all of the City's development ordinances and policies must be consistent with the General Plan. The 1990 Fremont General Plan retains much of the previous General Plan policy direction; however, the 1990 Plan does set new policy direction. Upon approval of the 1990 Plan, its policy direction will prevail. In cases where there are differences between specific regulations and the 1990 General Plan, the Plan must prevail. To achieve consistency between the 1990 General Plan and development related ordinances and policies, the following actions are required:

- **Modify Zoning, Subdivision, Grading, and any other development oriented ordinance.**

- **Modify Zoning Maps:** The 1990 General Plan Land Use Diagrams designate general land uses for property within the City. The Zoning Maps provide a much more specific designation for each property. The following table lists each of the 1990 General Plan land use designations and the Zoning districts deemed to be consistent with that designation. If there is a conflict between the Zoning Map and the General Plan diagram, the 1990 General Plan diagram will prevail. A finding can be requested from the Planning Commission to resolve interpretation differences.

I. Residential

General Plan Designations Residential Density	(Range)	Zoning District
.25 - 1.0	1	R-1-160
.5 - 1.5	2	R-1-80
1.0 - 2.3	3	R-1-40
2.0 - 3.5	4	R-1-20
3.0 - 5.0	5	R-1-10
4.0 - 6.0	6	R-1-8
5.0 - 7.0	7	R-1-6
6.5 - 10.0	8	R-1-6, R-2
11.0 - 15.0	9	R-G-40
15.0 - 18.0	10	R-G-29
18.0 - 23.0	11	R-G-24
23.0 - 27.0	12	R-G-19
27.0 - 35.0	13	R-G-16, R-G-15
35.0 - 50.0	14	R-G-12
50.0 - 70.0	15	R-G-9
Residential - Centerville Specific Plan (R-CSP)	Varies	C-T, C-C, C-O, P, in addition to residential zoning districts
Residential - Glenmoor Commercial (R-GC)	7	C-N, C-O, P

The R-1-X and R-G-X districts are unique zoning designations adopted for specific developments and should be considered to have the density of the standard zoning district most similar to them.

II. Commercial

General Plan Designation		Zoning District
Community	(C)	C-C
High Volume	(HV)	C-R
Neighborhood	(N)	C-N
Office	(O)	C-O*
Thoroughfare	(T)	C-T
Central Business District	(CBD)	CBD

III. Industrial

General Plan Designation		Zoning District
Light Industrial	(L)	I-L
Restricted Industrial	(R)	I-R
General Industrial	(G)	G-I

IV. Other

General Plan Designation		Zoning District
Hill Area Open Space		O-S
Hill Face Open Space		O-S
Institutional Open Space		O-S
Open Space		O-S
Private Open Space		O-S
Agriculture		A
Public Facility		P-F

*Residential zoning is also consistent with the Office Commercial General Plan designation in Subarea 11 of the Centerville Specific Plan.

Planned Districts (P) may be used for any land use designation, as long as uses are consistent with the General Plan designation. There may be instances where existing planned districts adopted prior to May 7, 1991, contain additional or different uses than specified in the current the General Plan designation. Those uses notwithstanding the General Plan designation shall continue to prevail.

The Zoning Ordinance establishes several overlay districts which are intended to be used in conjunction with other districts. The purpose of the overlay districts is to acknowledge the location of specific geographic areas such as the hill area, historic boundaries, quarry sites, and flood zones. To achieve this purpose, the overlay districts may impose additional regulations and requirements which would be in combination with those of the district to which the overlay is combined.

Due to the physical limitations set by the small size of the parcels and/or the public facility, small areas which are designated Institutional Open Space on the General Plan and owned by a public entity may be shown with the same zoning designation as adjacent private property provided the use of the public property is otherwise consistent with the General Plan. Lands held under Agricultural Preserve Contracts may retain their "A" or "O-S" district zoning to reflect their agricultural use regardless of General Plan designation. Rezoning to a district consistent with the General Plan designation shall be required prior to development.

- **Modify Development Policies:** The City has used a set of "Development Policies" to evaluate project requests. The "Development Policies" contain

policy level statements, standards, administrative procedures, and design guidelines. Many of the policy level statements in the “Development Policies” are incorporated in the 1990 General Plan. The standards and administrative procedures which implement the 1990 General Plan will be incorporated into the appropriate ordinances. Those sections of the “Development policies” which are viewed as solely advisory guidelines will be retained in the “Development Policies” document.

Consistency with Development Requests and Actions. All development must conform to the General Plan and related development ordinances. Each discretionary action and each approval or denial of a development proposal should be accompanied by a brief citation of the relevant sections in the General Plan which are the basis for action. City analysis of projects will use both the Plan text and diagrams to determine conformity to the General Plan.

Consistency with Other General Plan Implementation Documents. The City’s Capitol Improvement Plan, Redevelopment Plans and Specific Plans must be in conformance with the General Plan.

Environmental Impact Report (EIR)

The Environmental Impact Report (EIR) on the Fremont 1990 General Plan evaluates the impacts of the General Plan. The EIR is a separate document available from the City. An EIR evaluates impacts at the same level of detail as the underlying action upon which the EIR is based. In this instance, the EIR assesses the General Plan which is both a broad guideline in regards to the City’s development, but also includes some specific implementation measures. The implementation measures could be considered to be a “program of actions” and the General Plan EIR a “program EIR”. As such, the EIR evaluates the general impacts arising from the program, rather than site-specific impacts. The specific project impacts that may result from projects or implementation measures undertaken under the Plan will be assessed on a project by project basis. The General Plan EIR can be used as a foundation of information and current conditions by which to assess future impacts.

The City is required to monitor the progress on implementing the mitigation measure suggested by the EIR and incorporated into the General Plan or subsequent actions. The annual report on the General Plan is the appropriate forum for a status report on the implementation of the mitigation measures.

REVIEW AND IMPLEMENTATION OF THE GENERAL PLAN

To be an effective guide to the City’s decision making, the General Plan should be frequently monitored to gauge progress on its implementation and periodically reviewed to determine whether the plan still reflects the goals of the community.

As to the Plan implementation, the Plan includes over two hundred measures, not all of which can be accomplished at one time given normal budgetary and staff levels. The City must therefore establish priorities as to which implementation measures it wishes to address in any given year. Zoning ordinance changes and rezoning of parcels to be consistent with the General Plan must be completed within two years of General Plan adoption and must, therefore, be given top priority. Other implementation measures may take longer to initiate or complete. After the General Plan is adopted, the City Council will establish a priority list for preparing implementation actions. The annual report on the status of General Plan (required by the State) will include a report on implementation action progress to allow the Council to reconsider priorities for completion. The first annual report will also include a “clean up” amendment to correct or refine plan provisions based on experience in working with the Plan.

For periodic review, a comprehensive review of the Plan should take place every five years to assure its relevancy (as suggested by the State Guidelines).

MODIFYING / AMENDING THE GENERAL PLAN

The process for amending a General Plan is largely set forth in State law. By law, the General Plan can only be amended a maximum of four times per year (except in certain cases providing low and moderate income housing). However, at each of those times several amendments may be considered. In order to meet required deadlines, a schedule and process for General Plan amendments has been set forth and is available from the Community Development Department. Depending on the magnitude of the change requested, an Environmental Impact Report may be required on a General Plan amendment.

An evaluation of all requested General Plan amendments shall be conducted to review the conformance of the amendment with applicable General Plan goals, objectives and policies. If amendments are intended to be approved which are not consistent with specific goals, objectives and policies, then all relevant goals, objectives and policies need to be reexamined and changed before final approval of such amendments.

Procedurally, adoption of a General Plan amendment may be accomplished in two ways:

- Adoption of a resolution; or,
- Adoption of an intent to amend the General Plan and a subsequent formal and final Council adoption of the intended amendment at a future date when the City Council finds all conditions attached at time of Council adoption of intent, have been satisfied.

Legislative History

The following amendments to the General Plan Text have been approved by the City Council since General Plan adoption in May 1991. The associated City Council resolutions and project files are available in the Community Development Department.

<i>Chapters Affected</i>	<i>Date</i>	<i>Resolution and Project Nos.</i>
Land Use, Housing, and Housing Background Report	12/10/92	8428/GPA-92-6
Land Use (Chapter 3)	5/11/93	8501/GPA-93-2A
Administering the General Plan (Chapter 11)	7/27/93	8541/GPA-93-2B
Land Use (Chapter 3), Administering the General Plan (Chapter 11)	9/14/93	8568/GPA-93-1
Land Use (Chapter 3)	9/14/93	8567/GPA-93-2C
Land Use (Chapter 3)	12/7/93	8634/GPA-94-2
Open Space (Chapter 6)	2/14/95	8838/GPA-94-3
Parks and Recreation (Chapter 11)	2/14/95	8838/GPA-94-3
Administering the General Plan (Chapter 12)	2/14/95	8838/GPA-94-3
Introduction, Land Use, Public Facilities, Natural Resources	2/14/95	8838/GPA-94-3
Land Use (Chapter 3)	2/14/95	8841/GPA-95-2
Land Use (Chapter 3)	2/14/95	8842/GPA-95-3
Transportation (Chapter 8)	9/10/96	9049/GPA-95-4A
Land Use (Chapter 3), Administering the General Plan (Chapter 12)	9/10/96	9048/GPA-96-14
Land Use (Chapter 3)	9/12/00	9584/PLN2000-00105